

## Message Text

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ACTION EB-08

INFO OCT-01 EA-10 ISO-00 CAB-02 CIAE-00 COME-00  
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 ITC-01  
TRSE-00 /035 W  
-----071710 160445Z /14  
R 150853Z JUN 78  
FM AMEMBASSY TOKYO  
TO SECSTATE WASHDC 8846

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E.O. 11652:NA  
TAGS: EAIR, JA  
SUBJECT: CIVAIR: ALLEGED DISCRIMINATION AGAINST U.S.  
AIR FREIGHT FORWARDERS

REF: (A) STATE 131122, (B) STATE 128817, (C) TOKYO 8843

SUMMARY: EMBASSY HAS RAISED SUBJECT OF ALLEGED  
DISCRIMINATION WITH MOFA AND HAS REQUESTED MORE DETAILED  
INFORMATION RE TARIFF PROCEDURE, SO FAR WITHOUT RESPONSE.  
RECENT APPLICATION BY CIRCLE AIRFREIGHT FOR JAPANESE  
FREIGHT FORWARDER/CONSOLIDATOR LICENSE IS A NEW FACTOR.  
EMBASSY CONCURS ISSUE IS BEST PURSUED AT THIS TIME  
THROUGH INFORMAL BILATERAL DISCUSSIONS RATHER THAN IN  
OPEN CAB PROCEDURES. REQUEST DEPARTMENT'S ADVICE AS TO  
ACTUAL EFFECT U.S. WITHHOLDING OF RENEWED PERMITS HAS HAD  
ON JAPANESE FORWARDERS' U.S. OPERATIONS. END SUMMARY.

1. EMBASSY HAS RAISED ISSUE OF  
ALLEGED DISCRIMINATION AGAINST U.S. FREIGHT FORWARDERS  
INFORMALLY WITH MOFA (REFTEL C) AND HAS ALSO ASKED FOR  
MORE DETAILED INFO AS TO HOW ACTUAL TARIFF IS ESTABLISHED  
(REFTEL A). ISSUE HAS MADE LITTLE HEADWAY OWING TO  
JCAB'S OVERALL PREOCCUPATION WITH NARITA AIRPORT OPENING  
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AND ABSENCE FROM JAPAN OF KEY MOFA OFFICIALS. WE NOW  
PLAN TO FOLLOW UP.

2. IN INTERIM, HOWEVER, CIRCLE AIRFREIGHT (HARPER  
GROUP), SAN FRANCISCO, HAS RECEIVED IATA AUTHORIZATION TO  
CHARGE AIR CARRIER FREIGHT RATES TO AND FROM JAPAN AND  
HAS FILED APPLICATION WITH THE JCAB FOR A FREIGHT

FORWARDER/CONSOLIDATOR LICENSE. HARPER GROUP PRESIDENT JOHN ROBINSON CALLED ON EMBOFF JUNE 7 TO TELL US OF THIS DPMENT AND WAS FRANKLY DISMAYED TO LEARN OF USG'S PURSUIT OF "DISCRIMINATION" ISSUE, REFERRING TO IT DISPARAGINGLY AS "THE AIRBORNE CASE" WITHOUT OUR HAVING CITED THE SOURCE OF THE ACTION. ROBINSON INDICATED HE IS PREPARED TO COMPETE IN THIS MARKET GIVEN PRESENT JAPANESE RULES AND EXPRESSED SOME CONCERN THAT OUR ACTIONS MIGHT COMPLICATE CIRCLE'S APPLICATION.

3. IN RESPONSE TO DEPARTMENT'S REQUEST FOR EMBASSY COMMENTS (REFTEL B) AS TO HOW BEST PURSUE THE MATTER, WE DO NOT BELIEVE A FORMAL APPROACH TO THE GOJ NOTING "DISCRIMINATION" IS JUSTIFIED BECAUSE WE FRANKLY BELIEVE SUCH A FINDING IS EXTREMELY WEAK. ALL FREIGHT FORWARDERS/CONSOLIDATORS HERE, REGARDLESS OF NATIONALITY, ARE REQUIRED TO MEET THE SAME STANDARDS AND RULES OF OPERATION. IN PRESENTING CASE TO THE MOFA, EMBASSY HAS, IN FACT, STRESSED U.S. DESIRE FOR GREATER COMPETITIVE ACCESS TO AIR FREIGHT MARKET RATHER THAN DISCRIMINATORY ASPECTS WHICH ARE HARD TO PROVE.

4. WE CONCUR YOUR SUGGESTION THAT IT WOULD BE BEST TO PURSUE THIS MATTER INFORMALLY THROUGH BILATERAL DISCUSSIONS RATHER THAN IN OPEN FORUM OF CAB.

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5. EMBASSY WOULD APPRECIATE RECEIVING INFORMATION ON ACTUAL EFFECT THAT OUR WITHHOLDING OF PERMIT RENEWALS HAS HAD ON JAPANESE FORWARDERS' U.S. OPERATIONS. ARE THEIR OPERATIONS HINDERED, OR WILL THEY BE?

MANSFIELD

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DISCRIMINATION, CARGO HANDLING, AIRPORT FEES, TARIFF NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 15 jun 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
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**Film Number:** D780366-0325  
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**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVAIR: ALLEGED DISCRIMINATION AGAINST U.S. AIR FREIGHT FORWARDERS  
**TAGS:** EAIR, JA, US  
**To:** STATE  
**Type:** TE  
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